

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	CIV-04-1424-T
RICHARD B. KNIGHT, JR.)	
a/k/a RICHARD BRADFORD KNIGHT, JR.;)	
MILLCENT KNIGHT;)	
STATE OF OKLAHOMA ex rel.)	
DEPARTMENT OF HUMAN SERVICES;)	
COMANCHE COUNTY TREASURER;)	
BOARD OF COUNTY COMMISSIONERS)	
OF COMANCHE COUNTY;)	
Defendants.)	

FORECLOSURE JUDGMENT

The Court finds that:

1. Plaintiff United States served all defendants more than twenty (20) days prior to this date.
2. Having failed to answer or respond within the proper time, Defendants Richard B. Knight, Jr., Millicent Knight, and the State of Oklahoma ex rel. Department of Human Services are in default. Further, Plaintiff United States filed a declaration that Richard B. Knight, Jr., and Millicent Knight, are not in active military service, the possibility of impairing rights under the Service Members' Civil Relief Act (formerly known as the Soldiers' and Sailors' Civil Relief Act) is remote and judgment should be entered by Order of this Court.
3. Defendants Comanche County Treasurer and Board of County Commissioners disclaimed any interest in the real property that is the subject of this case. Disclaimer [Doc. 6].
4. None of the other Defendants filed an answer or other response.
5. The allegations of the Complaint are true, and there is due and owing to plaintiff from defendants RICHARD B. KNIGHT, JR., a/k/a RICHARD BRADFORD KNIGHT, JR. and MILLCENT KNIGHT on the note and mortgage the following:

Principal	\$ 45,476.52
Advances paid by plaintiff	\$ 2,695.21
Accrued interest as of November 5, 2003	\$ <u>5,629.49</u>
Amount due as of November 5, 2003	\$ 53,801.22

plus accruing interest on the principal at the rate of \$ 9.66 *per diem* from November 5, 2003 to the date of judgment.

6. Plaintiff's mortgage is a valid first lien upon the following real property:

Lot Nine (9), Block Eleven (11), GREATER GERONIMO ADDITION, to the City of Geronimo, Comanche County, Oklahoma, according to the recorded plat thereof, "subject, however, to all valid outstanding easements, rights-of-way, mineral leases, mineral reservations, and mineral conveyances of record".

7. The right, title or interest of all Defendants in the real property described above is junior and inferior to the first lien of Plaintiff, except for unpaid real property taxes of COMANCHE COUNTY; and/or special assessments given priority by law, if any. The rights of any junior lien claimants to any excess funds remaining after sale and distribution pursuant to the order, if any, shall be determined upon further hearing and notice to all parties.

8. Plaintiff's note and mortgage is in default and the real property described above should be foreclosed.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

That plaintiff have an *in rem* judgment of foreclosure in the sum below:

Principal	\$ 45,476.52
Advances paid by plaintiff	\$ 2,695.21
Accrued interest as of November 5, 2003	\$ <u>5,629.49</u>
Amount due as of November 5, 2003	\$ 53,801.22

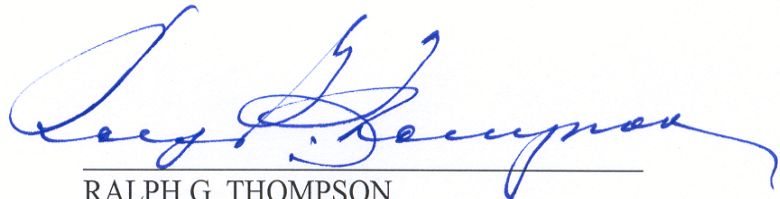
plus accruing interest on the principal at the rate of \$ 9.66 *per diem* from November 5, 2003 to the date of judgment; and thereafter post-judgment interest will accrue on the total sum of this judgment at the rate provided by 28 U.S.C. §1961 until paid.

That special execution and order of sale issue directing the U.S. Marshal to levy upon, appraise, advertise and sell the real property described above, free of any right, title or interest of all defendants, except unpaid real property taxes of COMANCHE COUNTY, and/or special assessments given priority by law, if any, and that the proceeds of the sale be paid as follows:

- a. The costs of the sale, including unpaid real property taxes of COMANCHE COUNTY, and/or special assessments given priority by law, if any;
- b. The foreclosure judgment of the plaintiff above; and,
- c. The remainder into the Registry of this Court to await further order of the Court concerning the priority of the junior lien holders.

That upon confirmation of the Marshal's sale, all Defendants and all persons claiming by, through or under them, are barred, foreclosed and enjoined from asserting any right, title or interest in the real property described above.

That this foreclosure judgment be entered.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

APPROVED:

JOHN C. RICHTER
UNITED STATES ATTORNEY

s/ ROBERT DON EVANS, JR.
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